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Attorneys for United States Guaranty Company

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA AT ANCHORAGE**

UNITED STATES OF AMERICA for the use of NORTH
STAR TERMINAL & STEVEDORE COMPANY, d/b/a
NORTHERN STEVEDORING & HANDLING, and NORTH
STAR TERMINAL & STEVEDORE COMPANY, d/b/a
NORTHERN STEVEDORING & HANDLING, on its own
behalf,

Plaintiffs,

and

UNITED STATES OF AMERICA for the use of SHORESIDE
PETROLEUM, INC., d/b/a MARATHON FUEL SERVICE,
and SHORESIDE PETROLEUM, INC., d/b/a MARATHON
FUEL SERVICE, on its own behalf,

Intervening Plaintiffs,

and

METCO, INC.,

Intervening Plaintiff,

vs.

NUGGET CONSTRUCTION, INC.; SPENCER ROCK
PRODUCTS, INC.; UNITED STATES FIDELITY AND
GUARANTY COMPANY; and ROBERT A. LAPORE,

Defendants.

No. 3:98-cv-9 (TMB)

AFFIDAVIT OF COUNSEL

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STATE OF ALASKA)
THIRD JUDICIAL DISTRICT) ss.

Herbert A. Viergutz, being first duly sworn upon oath, deposes and states as follows:


1. I am counsel of record for USF&G, in the above captioned matter.
2. The deadline for filing Motions for Summary Judgment was May 1, 2006.
3. Plaintiff's Motions are untimely and will not be addressed by USF&G absent Court Order, as USF&G strenuously objects to the filing of Motions ordered by the Court to be filed on date certain, May 1, 2006, but which were untimely filed by no less than 19 days.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

Dated this 23 day of May, 2006.


Herbert A. Viergutz

SUBSCRIBED AND SWORN TO before me this 23 day of May, 2006.



 Notary Public in and for Alaska
 My Commission Expires: 11-17-06



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this document was served by electronic notification on this 23rd day of May, 2006, to:

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s/ Herbert A. Viergutz

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